

RADIOLOGIC TECHNOLOGY CERTIFICATION COMMITTEE MEETING

March 14, 2007

**NEW OTANI HOTEL AND GARDEN
120 SOUTH LOS ANGELES
LOS ANGELES, CA**

MEMBERS PRESENT

**FRIEDA TAYLOR, CHAIRPERSON
NEIL MANSDORF, DPM
BERNIE GOLER, MD
MARGARET HISSN-SHUNG LEE, M.D.
JOYCE COHEN, CRT, ARRT
DIANE GARCIA, CRT (R), ARRT (R), CT**

**ROGER ENG, MD
JANIS OWENS, MD
CHAD WARDSEL, DC
MELISSA MARTIN, MS
ADAM SOMMERSTEIN, MD**

MEMBERS ABSENT

EDWARD BENTLEY, M.D.

QUESTIONS AND ANSWERS

Answers to questions that were fully responded to at the meeting can be found in the meeting minutes.

1. Question:

Ms. Anita Slechta, CRT, had a question regarding RHB using email to mail the RHB certification unit newsletter which is emailed to all of the approved schools to provide updates and clarification on various school related topics. Ms. Slechta was uncomfortable with not receiving hard copies. Ms. Kwok explained that the emails were an informal process and anything specific would be mailed in a letter and not sent via email. Ms. Slechta's next question dealt with what was the legal authority for the rules. For example, the rules about student daily logs and x-ray films. Ms. Kwok explained that the regulatory authority was from Title 17. Ms. Taylor further clarified the responsibility and asked that Ms. Slechta send an email to Ms. Kwok with the specific questions and follow-up. Mr. William Chi, Legal Counsel for RHB, further clarified that the legal authority for RHB was from the Health and Safety Code and the California Code of Regulations.

Answer: Addressed by RHB Legal Counsel at the meeting (see above).

2. Question:

Dawn Charman, Program Director, El Camino College. How long must the schools keep the original student logs at the clinical site. Ms. Kwok and Ms. Taylor suggested that she send the question detailed via email to Ms. Kwok.

Answer: California Code of California Regulations, title 17, section 30437 (b)(1)-(5) states:

“(b) Each school approved pursuant to section 30427 and each on-the-job training program approved pursuant to 30428 shall retain for at least five years:

- (1) Records of attendance**
- (2) Proof of participation in clinical education;**
- (3) Proof of performance of laboratory procedures;**
- (4) Certificates or diplomas issued; and**
- (5) Program transcripts.”**

3. Question:

Ms. Charman then asked if they could be notified of site visits in advance in case there were other things going on. Ms. Kwok said she would get back to her on that question.

Answer: For routine inspections, RHB will make every attempt to provide advance notification.

4. Question:

Committee member Martin had a question on the technologist who has their bone densitometry certificate. Are they restricted to performing that in a facility in which there is a licentiate with a supervisor and operator permit? Ms. Tracewell said that was an RHB question. Ms. Taylor said that she didn't have the regulations in front of her and Mr. Scott is not at this meeting. She said it would be addressed in the minutes so that RHB has a chance to review the regulations and provide the correct answer.

Answer: The permitte may only apply x-rays under the supervision of a licentiate of the healing arts. Further, they may only use the x-ray equipment under supervision of a certified Supervisor & Operator.

5. Question:

Committee member Sommerstein asked is there a discussion under what circumstances technologists can utilize fluoroscopy without immediate supervision. Ms. Martin replied that they haven't approached that topic yet but it will be part of the discussion.

Answer: This will be addressed by the subcommittee for Minimum Standard for Fluoroscopy Schools.

6. Question:

Mr. McDermott asked that the subcommittee (fluoroscopy) be in contact with Philip Scott and Mark Pietz because the Legislature passed a bill that will require a radiology quality assurance program to be incorporated in Title 17 and that should be in the syllabus.

Answer: Unable to respond due to ambiguity in the question.

7. **Question:**
Marci Mann, x-ray technician from San Diego, commented on radiation protection. She felt there should be a way to tell the patient how much radiation they are being exposed to. Could there be some kind of a chart they could look up or some way of informing the public. There should be one marker that patients could go by, for example, a milliard or something like that. Chairperson Taylor said they would take that under consideration and perhaps the committee would address that at the next meeting.
Answer: Due to the variations in patient exposures, each facility should provide appropriate guidance.
8. **Question:**
Committee Member Mansdorf asked if someone from RHB can respond to the status of SB 1670 and the implementation of the training program. Where are we in terms of RHB authorizing the classes? Chairperson Taylor asked him to send her an email that she could forward to Philip Scott. Otherwise, it will be covered through normal communication with the public as far as the regulatory process.
Answer: Regulations have not been approved.
9. **Question:**
Anita Slechta would like the Office of Legal Services to look into opening up the subcommittee meetings to the public.
Answer: The Legal Office researched the issue and had the following response: Government Code section 1122.5 defines what constitutes a “meeting” that would place the meeting under the purview of the Open Meeting Act. Specifically, 1122.5 (a) it is any congregation of a majority of the members of a state body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the state body to which it pertains.
Note: To date, no RTCC chairperson has reported any subcommittee being comprised of six or more RTCC members.
10. **Question:**
Ms. Charman commented that at the RTCC meeting in Los Angeles last year, a decision was presented that RHB would no longer allow students to take the fluoroscopy exam prior to graduation. She asked that the committee reconsider allowing the students to apply and take a fluoroscopy exam, maybe within two to three months of graduation so that the process can be rated and ready.
Answer: The following is the legal authority that requires that an applicant be a Radiologic technologist prior to applying for the fluoroscopy permit.

Health and Safety Code section 106965 states:

“(a) It shall be unlawful for any person to administer or use diagnostic or therapeutic X-ray on human beings in this state after July 1, 1971, unless that person has been certified or granted a permit pursuant to subdivision

(b) or (c) of Section 114870 or pursuant to Section 114885, is acting within the scope of that certification or permit, and is acting under the supervision of a licensee of the healing arts.”

California Code of Regulations, title 17, section 30450 states:

“A radiologic technologist fluoroscopy permit issued by the Department shall be required of any technologist who exposes a patient to X-rays in a fluoroscopy mode, or who does one or more of the following during fluoroscopy of a patient: (a) Positions the patient. (b) Positions the fluoroscopy equipment. (c) Selects exposure factors.”

California Code of Regulations, title 17, section 30451 states:

“To obtain a radiologic technologist fluoroscopy permit an applicant shall fulfill all of the following:

- (a) File with the Department an application as described in Section 30452, and
- (b) Pass Department-approved examinations in:
 - (1) Fluoroscopy radiation protection and safety, and
 - (2) Use of fluoroscopy and ancillary equipment.”

California Code of Regulations, title 17, section 30452 states:

“The Department considers an application for a Radiologic technologist fluoroscopy permit acceptable if all of the following conditions have been met:

- (a) Application is made on forms furnished by the Department.
- (b) Fee is paid pursuant to Section 30408.
- (c) The technologist submits one of the following:
 - (1) A copy of technologist fluoroscopy school graduation diploma or certificate.
 - (2) A resume showing that education, training, and experience is equivalent to that of the radiologic technologist fluoroscopy school curriculum as specified in Section 30423.”

11. **Question:**

Pamela Jones, clinical coordinator, Cañada College, asked the committee to make certain that on the next meeting that JRCERT is on the agenda, so that we can look at the areas where we can streamline the process.

Answer: The JRCERT subcommittee will be an item on the agenda at the next RTCC meeting.

12. **Question:**

Bob McDermott, Radiation Safety Officer, Kaiser, Southern California, had concerns that due to recent legal interpretations certifications are no longer available for interns, residents, and fellows. He requests that either the committee or the branch provide clarification and issue the user operating procedures to determine qualifications, how staff should be listed on the list of users so that when inspectors visit, someone can identify staff as residents,

interns, or something else, so they are not cited for someone who's not an S&O using equipment.

Answer: Ed Gloor, Chief, Inspection, Compliance, and Enforcement Section, sent, in part, the following response to this question by Mr. McDermott in November 2006. "Interns, residents, and fellows, who are NOT certified or permitted as supervisors and operators, can lawfully use diagnostic or therapeutic X-rays on human beings in California when in a school of medicine under the supervision of one of the school's instructors who is a certified radiologic technologist or a certified supervisor and operator. This exception applies whether or not the intern, resident, or fellow is licensed to practice medicine, osteopathy, podiatry, or chiropractic.

This is because Health and Safety Code section 106975(b) allows students to use X-ray equipment under the supervision of an instructor who is a California certified radiologic technologist or supervisor and operator. The Department's Office of Legal Services has determined that the statutory intent here is to let students practice under the supervision of appropriate instruction. Thus, as long as a student, even though licensed to perform one of the healing arts, is under the supervision of an instructor as indicated above, is allowed to use X-rays. However, HSC 107110 makes it clear that if a student leaves that supervision and ventures off on his own in private practice, then he is a "licentiate" in practice and has to obey and meet the requirements of 107110."

Health and Safety Code Section 107110 states:

"It shall be unlawful for any licentiate of the healing arts to administer or use diagnostic, mammographic, or therapeutic X-ray on human beings in this state after January 1, 1972, unless that person is certified pursuant to subdivision (e) of Section 114870 or Section 114885, and is acting within the scope of that certification."

13. Question:

Mr. McDermott asked the Branch and the committee to investigate and implement a parallel process for technologists to take and pass or take, at least, the ARRT and fluoroscopy test simultaneously. There have already been informal discussions with legal counsel to determine that there is no legal impediment under the Health and Safety Code. As such, he requested that the regulations could be potentially changed. He asks the Branch and the Committee to go forward, investigating such a process for the welfare of California citizens.

Answer: The following is the legal authority that requires that an applicant be a Radiologic technologist prior to applying for the fluoroscopy permit.

Health and Safety Code section 106965 states:

“(a) It shall be unlawful for any person to administer or use diagnostic or therapeutic X-ray on human beings in this state after July 1, 1971, unless that person has been certified or granted a permit pursuant to subdivision (b) or (c) of Section 114870 or pursuant to Section 114885, is acting within the scope of that certification or permit, and is acting under the supervision of a licentiate of the healing arts.”

California Code of Regulations, title 17, section 30450 states:

“A radiologic technologist fluoroscopy permit issued by the Department shall be required of any technologist who exposes a patient to X-rays in a fluoroscopy mode, or who does one or more of the following during fluoroscopy of a patient: (a) Positions the patient. (b) Positions the fluoroscopy equipment. (c) Selects exposure factors.”

California Code of Regulations, title 17, section 30451 states:

“To obtain a radiologic technologist fluoroscopy permit an applicant shall fulfill all of the following:

- (a) File with the Department an application as described in Section 30452, and**
- (b) Pass Department-approved examinations in:**
 - (1) Fluoroscopy radiation protection and safety, and**
 - (2) Use of fluoroscopy and ancillary equipment.”**

California Code of Regulations, title 17, section 30452 states:

“The Department considers an application for a Radiologic technologist fluoroscopy permit acceptable if all of the following conditions have been met:

- (d) Application is made on forms furnished by the Department.**
- (e) Fee is paid pursuant to Section 30408.**
- (f) The technologist submits one of the following:**
- (3) A copy of technologist fluoroscopy school graduation diploma or certificate.**
- (4) A resume showing that education, training, and experience is equivalent to that of the radiologic technologist fluoroscopy school curriculum as specified in Section 30423.”**

14. Question:

Rick Williams, student, El Camino stated that previously students could apply for fluoroscopy mixed in with the others. To him it seems more efficient to take the fluoroscopy as before. He feels it would be less liability for the hospitals to hire someone with all their licenses and not have to wait and promise that they will have their fluoroscopy in three months. He asked the question to what benefits this? Mr. Williams asked if there would be an answer to the benefits in the minutes. Chairperson Taylor replied that he was not going to get an answer to the benefit-cost analysis and asked what is his specific question? Mr. Williams asked if all these negatives, which are cost analysis negatives, are outweighed

by a cost-analysis positive; he would like to know what it is. Chairperson Taylor replied that she didn't see how he could get a regulatory answer to that specific question but they'll try.

Answer: The following is the legal authority that requires that an applicant be a Radiologic technologist prior to applying for the fluoroscopy permit.

Health and Safety Code section 106965 states:

“(a) It shall be unlawful for any person to administer or use diagnostic or therapeutic X-ray on human beings in this state after July 1, 1971, unless that person has been certified or granted a permit pursuant to subdivision (b) or (c) of Section 114870 or pursuant to Section 114885, is acting within the scope of that certification or permit, and is acting under the supervision of a licentiate of the healing arts.”

California Code of Regulations, title 17, section 30450 states:

“A radiologic technologist fluoroscopy permit issued by the Department shall be required of any technologist who exposes a patient to X-rays in a fluoroscopy mode, or who does one or more of the following during fluoroscopy of a patient: (a) Positions the patient. (b) Positions the fluoroscopy equipment. (c) Selects exposure factors.”

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“The Department considers an application for a Radiologic technologist fluoroscopy permit acceptable if all of the following conditions have been met:

- (g) Application is made on forms furnished by the Department.**
- (h) Fee is paid pursuant to Section 30408.**
- (i) The technologist submits one of the following:**
 - (5) A copy of technologist fluoroscopy school graduation diploma or certificate.**
 - (6) A resume showing that education, training, and experience is equivalent to that of the radiologic technologist fluoroscopy school curriculum as specified in Section 30423.”**

15. Question:

Mr. Kroona stated that one of the proposals in his subcommittee was to restate the November 2000 decision to change minimum x-rays from the mandible – to eliminate the mandible and increase the panoramic. He asked if they can

request that this actually go into effect now, even though it's not reflected in the regulations. Can an exemption be granted and go to what the recommendation is which was made in 2000, which likely wouldn't get approved until 2010. The mandible is not taught at dental schools. Mr. Kroona asked if there is a mechanism that they can request an exemption from that. Who would it be sent to? Is there a possibility? Chairperson Taylor asked that he forward her an email with regard to that request. RHB can discuss if it's feasible, if it can be done, based upon the law and the regulation.

Answer: Mr. Kroona submitted a request for exemption to RHB in a letter dated March 26, 2007. RHB responded in a letter dated April 18, 2007, requesting additional information.

16. Question:

Linda Ortega, Central California School of Cordana Campus, commented that previously failing students would get the score and that allowed the student to understand what they did not do well in and what they can work on. She stated that now the student does not get the result of the exam score. Ms. Ortega's understanding is that RHB does receive the score from ART. She asks if it is possible that RHB take that and maybe have some discussion down the road, where we can have that, possibly put on that letter that does go back to the examinee? Chairperson Taylor responded that that can be discussed later.

Answer: Effective May 1, 2007, RHB will commence including the exam scores in notification letters to applicants.

17. Question:

Ms. Charman asked "are we, as part of the clinical education centers, required to keep a copy of each of our clinical sites, x-ray machine registration, in our records at the school? Or is that part of the – when they do the unannounced site visit, is that something they are going to ask for at the clinical site?" Chairperson Taylor responded that she will note the question and will follow-up with a detailed answer later.

Answer: California Code of Regulations, title 17, section 30437(b)(1)-(5) states:

"(b) Each school approved pursuant to section 30420 and each on-the-job training program approved pursuant to 30428 shall retain for at least five years:

- (1) Records of attendance;**
- (2) Proof of participation in clinical education;**
- (3) Proof of performance of laboratory procedures;**
- (4) Certificates or diplomas issued; and**
- (5) Program transcripts."**

18. Question:

Committee member Martin asked about implementation of the recently passed senate bill that requires a QA program to be developed. She asked whether RHB was getting any input. She stated that they would welcome the opportunity from the AAPM chapters to work with RHB on suggesting QA programs that

could be used as models for the facilities or at least work with RHB staff. She asked if there was any public input coming into RHB staff on these programs. Chairperson Taylor responded that the appropriate person to address that question would be Phillip Scott. Ms. Taylor recommended that Ms. Martin send him an email with her question and recommendations.

Answer: RHB is developing the regulatory proposal for public comment.